

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLAH JUSTICE,

Plaintiffs,

-against-

MEMORANDUM & ORDER
12-CV-2061(JS)(WDW)

NASSAU COUNTY POLICE, NASSAU COUNTY
POLICE OFFICER RONALD C. RUSSO,
Shield #3620, NASSAU COUNTY POLICE
OFFICER JEFFREY S. RAYMOND, Shield
1120,

Defendant.

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APPEARANCES

For Plaintiff: Allah Justice, Pro Se
11007727
Nassau County Correctional Center
100 Carmen Avenue
East Meadow, NY 11554

For Defendant: Liora M. Ben-Sorek, Esq.
Nassau County Attorney's Office
One West Street
Mineola, NY 11501

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge William D. Wall's Report and Recommendation ("R&R"), issued on October 12, 2012. For the following reasons, the Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiff Allah F. Justice ("Plaintiff") commenced this action on April 25, 2012 against Defendant Nassau County Police, P.O. Ronald C. Russo, and P.O. Jeffrey S. Raymond

(collectively "Defendants") for his alleged false arrest. On September 21, 2012, Plaintiff stated during a telephone conference with Judge Wall that he had been convicted of the offense for which he now claims false arrest. Although the Court explained that a conviction of the underlying offense would bar a claim for false arrest, Plaintiff did not withdraw his claim. Judge Wall then issued an Order to Show Cause, requesting that Plaintiff show cause why the Court should not recommend the case be dismissed for failure to state a claim. (Docket Entry 16.) Plaintiff responded but said that his arrest and conviction were flawed and claimed that he did not commit a crime. (Docket Entry 17.)

Judge Wall issued an R&R on October 12, 2012 recommending that the Complaint be dismissed for failure to state a claim. (Docket Entry 19.) Judge Wall explained that Plaintiff's claims, though they could be pursued in state court appeals, did not change the general rule that a conviction bars a claim of false arrest for the same offense.

No party has objected to any portion of Judge Wall's R&R.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.

§ 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Here, no party has objected to Judge Wall's R&R. And the Court finds his R&R to be correct, comprehensive, well-reasoned and free of any clear error. Accordingly, the Court ADOPTS it in its entirety.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED that Judge Wall's R&R is ADOPTED in its entirety and Plaintiff's Complaint is DISMISSED for failure to state a claim. The Clerk of the Court is directed to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: December 4, 2012
Central Islip, NY